

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

I&CAD Department - Work Charged Establishment - Reinstatement of (22) HR workers who were working under the control of the Superintending Engineer, Irrigation Circle, Warangal in Taliperu Project into service and to pay the wages as they would have continued as NMR's – Orders – Issued.

IRRIGATION & COMMAND AREA DEVELOPMENT (SER.V) DEPARTMENT

G.O.Ms.No. 33,

Dated: 17-04-2010

Read the Following:

Ref:- From the Engineer-in-Chief (IW), I&CAD Department, Hyderabad Lr.
No.ENC/IW/P&M/EE.3/W2/21180/2005, dated 06.08.09.

-X-X-X-X-X-

ORDER:

In the reference read above, the Engineer-in-Chief (IW), I&CAD Department, Hyderabad has reported that Sri M. Pandyam & (41) other HR workers have approached the Hon'ble APAT in OA No.6672/94 for regularization of their services as per G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994. The Hon'ble APAT in its judgment dated 16.11.1994 has ordered to verify the services of the applicants and to pass necessary orders keeping in view of the orders issued in G.O.Ms.No.212, dated 22.4.1994. The Engineer-in-Chief (IW), Hyderabad vide his Memo. No.W2/EE.II/P&M/64666/94-2, dated 06.10.1995 has issued speaking orders based on the advise of the Government Pleader, APAT as the regularization of services of the above workers are not feasible.

2. The above (42) HR workers have approached various Hon'ble Courts i.e., Hon'ble APAT, Hon'ble High Court of AP & Hon'ble Supreme Court of India for regularization of their services. The Government have issued clarification that the proposals for regularization of their services are not feasible vide Memo No.50260/Ser.V-I/98-2, dated 29.06.1999 based on the proposals submitted by the Superintending Engineer. Aggrieved by this, Sri B. Laxmana & (16) others who are among the (42) HR workers have filed OA No.2140/2000 for regularization of their services. The Hon'ble APAT in its orders dated 05.03.2001 has directed to consider the regularization of services of the applicant's who have completed 5/10 years of service as a full time or part time for regularization as and when they complete the said period of service. The Department have filed W.P.No.19335/2001 against the above orders as per the instructions of the Govt. vide Memo No.22986/Ser.V-2, dated 09.4.2001. The Hon'ble High Court in its interim order dated 18.09.2001 has suspended the operation of the orders passed in OA No.2140/2000 until further orders. Based on the Government Pleader's opinion of High Court, Sri B. Laxmana & (16) others were discontinued w.e.f. 20.12.2001. The other HR workers were also discontinued w.e.f. 20.12.2001. Sri Jagannadam & (2) others have filed WP No.10282/1998 and Sri B. Laxmana & (16) others have filed W.P.M.P. No.24335/2001 in W.P. No.19335/01 in the Hon'ble High Court and they were continued as per interim orders dated 03.01.2002.

3. Further, Sri S. Nageswara Rao & (6) others have approached Hon'ble APAT in O.A. No.808/2002 who are among the (42) H.R. workers with prayer to allow their services from 20.12.2001. The Hon'ble APAT has dismissed the said O.A. on 16.2.2005. Aggrieved by the judgment of APAT, they have approached the Hon'ble High Court of A.P. in W.P. No.12363/2005 for regularization of their services. The Hon'ble H.C. has

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dismissed the W.P. No.12363/2005 on 02.09.2005. Again, they have filed Review Petition of WPMP No.33006/2005 in WP No.12363/2005 and the same was also dismissed stating that liberty is granted to agitate their right if any before the appropriate forum. On the orders of Hon'ble High Court, Sri S.Nageswara Rao & (6) others have approached Hon'ble Supreme Court of India vide SLP Nos.15019/2007 in CA No.4443/2008 and SLP No.15092/07 in CA No.4444/2008 with a prayer that their case is also similar to that of Sri G. Jagannadham & (2) others who were filed WP No.10282/1998 in High Court of AP for regularisation of their services. The Supreme Court of India passed orders on 11.7.2008 directing the respondents to regularize the services of the appellants without past monetary benefits and pass appropriate orders within (3) months.

4. The Engineer-in-Chief (IW), I&CAD Department, Hyderabad has further reported that out of the above said (42) H. R. Workers who are working at Taliperu Project under the control of Superintendent Engineer, Irrigation Circle, Warangal, orders were issued regularizing the service of (21) H.R. Workers i.e. (13+1+7) in G.O.Ms.No.9, I&CAD Department, dated 31.01.09, G.O.Ms.No.80, I&CAD Department, dated 26.05.09 and G.O.Ms.No.251, I&CAD Department, dated 09.09.09 respectively. The remaining (22) HR workers as mentioned in the Annexure-I to the reference read above are similarly situated to the individuals who are covered in Civil Appeal SLP(C).No.23629/05 filed by Sri G. Jagannadam & others and eligible for regularization of their services in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994, but, there are no suitable vacancies available and also would not arise in near future in the circle for regularization of their services. Hence, he has submitted proposals for reinstatement of above (22) HR workers based on the orders of Hon'ble Supreme Court / High Court / APAT who were discontinued w.e.f. 20.12.2001 and allowing minimum time scale of pay plus DA in respect of the remaining (22) HR workers to avoid further legal complications in the matter

5. After careful examination of the matter, Government hereby directs the Engineer-in-Chief (IW), I&CAD Department, Hyderabad to reinstate the remaining (22) H.R. workers as mentioned in the Annexure-I to the reference read above who were working under the control of the Superintending Engineer, Irrigation Circle, Warangal in Teliperu Project into service and pay the wages as they would have continued as NMR's.

6. The Engineer-in-Chief (IW), I&CAD Department, Hyderabad shall take necessary action in the matter accordingly.

7. This order issues with the concurrence of Finance (PC.III) Department vide their U.O. No.3730/86/A1/PC-III/10, dated 15.03.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (IW), I&CAD Department, Hyderabad.
Copy to the Superintending Engineer, Irrigational Circle, Warangal.
S.f. / S.c.

//Forwarded By Order//

SECTION OFFICER